

Meeting Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, April 26, 2016**  
9:00 a.m.  
OPEN SESSION

1. **CALL TO ORDER** – Meeting called at 9:03AM
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Edward Marley, and Stephen Noel. Absent: Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Michael Raine.
3. **CALL TO THE PUBLIC** – No one addressed the Board during the call to the public.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject March 22, 2016 Board meeting minutes.  
The members reviewed the minutes. Mr. Marley moved to approve the minutes. Mr. Noel seconded the motion. No further discussion; motion carried. Dr. Angel abstained.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Consideration of Motion to Deem
  1. Case Nos. P14-052, P15-004, P15-021, Teodorico Gutierrez, P.E. (Civil) #17984

Mr. Brady opened the hearing. Respondent was not present and was not represented by legal counsel. The State was represented by Mr. Michael Raine, Assistant Attorney General, and Mr. Mark Harris, Assistant Attorney General, appeared to provide independent legal advice to the Board.

All Board Members, with the exception of Mr. Douglas Folk, who recused himself, and Mr. Robert Stanley, who was absent, were present to hear and weigh the evidence presented in the formal hearing.

The Board properly served Respondent with the Complaint and Notice of Hearing at Respondent's last known address of record. Respondent failed to respond. Mr. Raine asked the

Board to deem the Complaint's allegations as admitted and enter the conclusions of law. Mr. Raine asked the Board to revoke Respondent's registration because he had been non-compliant with previous Board orders addressing his lack of technical skill and competence. Dr. Angel asked Mr. Raine if the complaint was sent to Respondent's other addresses. There were attempts made to contact Respondent via email. Mr. Douglas Kraemer told the Board that he tried to contact Respondent personally and learned he was working in the Philippines. Mr. Marley moved to deem the Complaint's allegations as admitted. Dr. Angel seconded the motion. No further discussion; motion carried. Dr. Angel moved to adopt the Alleged Violations as Conclusions of Law; Mr. Marley seconded the motion. No further discussion; motion carried. Mr. Marley moved to revoke Respondent's registration. Dr. Angel seconded the motion. No further discussion; motion carried. The Board directed staff to notify the firm that had previously employed Respondent with the results of the meeting's outcome.

#### B. Formal Administrative Hearing

##### 1. Case No. A13-012. Armando Collelmo, Nonregistrant

Mr. Brady opened the hearing. Roll call was taken. Board members in attendance were: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Edward Marley, and Stephen Noel. Absent: Robert Stanley.

Respondent, Mr. Armando Collelmo, was present and represented himself. The State was represented by Mr. Michael Raine, Assistant Attorney General, and Mr. Mark Harris, Assistant Attorney General, appeared to provide independent legal advice to the Board.

The Board provided Respondent with a Spanish interpreter. Mr. Brady informed Respondent of his legal rights and explained the hearing process to him.

The Board's complaint against Respondent alleged that he practiced land surveying without proper Board registration. Respondent alleged that he was contracted by a Board licensee to perform the work at issue. He further alleged that he worked with a contractor, Fred Benedict, under his supervision. There was no written contract for the work he did. He alleged that he worked as a liaison on the project.

Mr. Parlin testified that he determined that Respondent wasn't registered with the Board but that he did hold a septic license of some sort with the Registrar of Contractors. Mr. Parlin identified the State's exhibits for the Board. He discussed the initial complaint sent to the Board. The Board admitted the State's exhibits with no objections from Respondent. Respondent cross-examined Mr. Parlin. Mr. Folk asked Respondent whether he was working on the construction of the house at issue. Respondent answered "no."

Respondent called Mr. Fred Benedict to testify on his behalf. Mr. Brady swore in Mr. Benedict, Respondent, and the interpreter, Mr. Renee Ramirez. Respondent explained that he has known Mr. Benedict for over 25 years and that he has helped him on various projects over that time in Rio Rico and Nogales. Respondent explained that he was the "contact" on the job and he in turn recommended Mr. Benedict for it. Mr. Raine cross

examined Respondent and Board Members questioned Respondent. Respondent explained Mr. Benedict testified that he has known the Respondent for years and there was no attempt to defraud anyone in this case. Dr. Angel asked if Mr. Benedict had a registered firm. Mr. Benedict responded that he did not know if he had a firm registration. He stated that he just uses his name and his license to practice. Respondent testified that he believe the complaint was a misinterpretation. He asked the Board to consider his response. Both parties provided closing arguments. Mr. Raine argued the relationship between the State's evidence and asked the Board to find violations of A.R.S. 32-106.02. He also asked that the Board impose civil penalties upon Respondent. Respondent explained that he understood there are rules, but he worked with Mr. Benedict under his supervision even though he does not have a firm. He understood the State's position but did not want to be fined.

The Board discussed the case. Mr. Foose explained that he thought Mr. Benedict provided enough guidance on the construction of this house. Mr. Foose moved to dismiss the case against Respondent. Mr. Folk seconded the motion. During discussion of the motion, Dr. Angel expressed concerns that Mr. Benedict did not set the corners. Respondent did the work setting the corners of the house. Mr. Folk explained that he wasn't troubled by what happened in this case because there wasn't any advertising to solicit work as a registered surveyor. The arrangement wasn't as formal as it might be in Phoenix but it didn't appear to be unauthorized practice. Respondent was not advertising because the community knows they can use the Respondent. The question was called and a roll call vote was taken. The Motion passed with Mr. Brady, Mr. Folk, Mr. Jones, Mr. Foose, Mr. Madsion, and Mr. Noel voting yea and Dr. Angel and Mr. Marley voting nay. The case was dismissed.

The Board directed staff to reach out to Mr. Benedict and request for him to register his firm.

## **6. ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

### **A. Complaints Proposed for Resolution by Dismissal or Closure:**

1. HI15-035, Douglas Zumach, C.H.I. #48113

The Complainant appeared and addressed the Board. Mr. Thacker explained that the Board assessments determined that Respondent's Report met all Board standards. Dr. Angel explained that he did not think there was any significant damage to anyone, and he didn't think there was a reason to discipline the registrant. The Complainant disagreed and explained that he had to pay for another home inspection. Dr. Angel moved to dismiss the case. Mr. Marley seconded the motion. No further discussion; motion carried.

2. P16-054, David Cox, Non-Registrant
3. DL16-001, Drug Lab at 7958 W. Hazelwood St., Phoenix, AZ
4. DL16-002, Drug Lab at 8431 W. Flower St., Phoenix, AZ
5. HI16-021, Edward Fifer, C.H.I. #38566

Mr. Marley moved to consent and dismiss items 6(A)2 – 6(A)5 and dismiss them. Mr. Madison seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P16-037, Todd Heroldt, P.E. (Structural) #54022

Respondent, Todd Heroldt, appeared and addressed the Board. Board staff recommended that the Board issue a Letter of Concern for a minor calculation error on a 30 foot long industrial gate and allowing the firm registration to expire. The Complainant, Kathy Donaldson appeared and addressed the Board. She stated she'd incurred extended litigation costs related to Respondent's report. Mr. Madison reviewed the case and explained that the assessments were similar and no recommendations for an EAC were made. He expressed concern about the firm registration being expired for 10 years. Mr. Madison stated that the simple math error, the miscalculation that was noted, did not affect the findings. Mr. Madison moved to offer Respondent a consent agreement regarding the lapse of firm registration, administrative penalty fee in the amount of \$500, costs of investigation, and issue a Letter of Concern regarding the math error. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Marley seconded the motion. No further discussion; motion passed.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-056, Jerry Atwood, R.A. #08025

The complaint against Respondent alleges that he failed to report a DUI misdemeanor conviction on his license renewal application. Respondent, Jerry Atwood, appeared and addressed the Board. His attorney, Flynn Carey, was also present. Respondent admitted that he did not pay careful attention to the questions on the license renewal form. Respondent's conviction was set aside, demonstrating his intent to be law abiding. The Assistant Attorney General requested that the Board to resolve this case with a Letter of Concern. The Board members dialoged with Respondent. Dr. Angel moved to offer Respondent a consent agreement in the amount of \$150 for administrative penalty fee and costs of investigation. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Folk seconded the motion. Mr. Madison opposed. No further discussion; motion carried.

2. P15-013, David G. Laredo, P.E. (Civil) #40063

Respondent, Mr. David Laredo, appeared and addressed the Board. The complaint against Respondent alleged that he failed to comply with the Pima County flood control requirements and failed to apply the required technical knowledge and skill to properly complete the encroachment analysis for a berm. He explained that he had difficulties using the Flow 2D software, and the data from Pima County would not "run." The Board discussed the case and dialoged with Respondent. Dr. Angel moved to offer Respondent a consent agreement with an administrative penalty in the amount of \$500 and add a continuing education requirement (8 Hours) on flood control ordinances/requirements and/or Flow 2D software. Mr. Folk seconded the motion. No further discussion; motion carried.

3. AL16-004, Todd Johnson, Alarm Controlling Person #56651 and Capital Connect, Inc., Alarm Business #18428

Mr. Marley moved to offer the proposed consent agreement. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Folk seconded the motion. No further discussion; motion carried.

4. P15-071, Jeremy Walterscheid, P.E. (Civil) #52021

Mr. Folk recused himself on item 6(C)4. Mr. Madison moved to consent and accept the signed consent agreements from Respondents on items 6(C)4 and 6(D)4. Mr. Foose seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI15-037, Mark Craig, C.H.I. #50421

Respondent, Mark Craig, appeared and addressed the Board. Mr. Marley moved to accept the signed consent agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

2. P16-050, Eddie Strong Jr., Non-Registrant and Strong Kennedy Architects, Non-Registrant Firm

Respondent, Eddie Strong Jr., appeared and addressed the Board. Mr. Marley moved to accept the signed consent agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P16-049, Glenn Kennedy, R.A. #24664 and Glenn Kennedy Architect, Non-Registrant Firm

Respondent, Glenn Kennedy, appeared and addressed the Board. Mr. Marley disclosed that he brought the complaint to investigation but felt he could be fair and impartial in deciding the case. The Board dialoged with investigative staff. Respondent said he wasn't aware of firm registration requirement. Mr. Marley moved to accept the signed consent agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

4. P16-006, Mark Bowker, Non-Registrant and Pixolux Laboratory, LLC, Non-Registrant Firm

Mr. Marley moved to accept the signed consent agreement. Mr. Jones seconded the motion. No further discussion; motion carried.

5. HI15-028, Adam Tidwell, Non-Registrant (C.H.I. #55259, Revoked 12/18/15) and

Mr. Marley moved to offer the proposed consent agreement on items 6(D)5 and 6(D)7. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.

6. AL16-005, Marc Dunham, Non-Registrant

Dr. Angel expressed concerns about statements Respondent made during the investigation and spoke against the proposed consent agreement. Dr. Angel moved to revise the consent agreement to increase the penalty to \$2500. Mr. Marley seconded the motion. After some discussion, the motion was withdrawn. Dr. Angel moved to accept the consent agreement and send the employer a letter explaining that Respondent was denied registration. Mr. Marley seconded the motion. No further discussion; motion carried.

7. AL16-009, Arcom Security, Inc., Non-Registrant Alarm Business

Mr. Marley moved to offer the proposed consent agreement on items 6(D)5 and 6(D)7. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P16-044, Raul C. Pino, R.A. #18234

The Board dialoged with Mr. Raine regarding the bankruptcy laws and how it might apply to this case. The Board discussed how to proceed with this case and resolve it. Mr. Madison moved to offer Respondent a consent agreement for a Letter of Reprimand, CE in professional ethics (8 hours, to be approved by staff-with verification,) stayed suspension for 6 months to be lifted when the training has been completed or upon successful completion of the ordered requirements. The matter will proceed to a form hearing if not signed within 30 days. Mr. Marley seconded the motion. No further discussion; motion carried.

F. Review, Consideration and Action on Respondent's Counter-Offer of Consent:

1. P14-095, Bradley H. Graham, R.A. #15430

The Board dialoged about the case. Dr. Angel moved to reject the offered counteroffer, and proceed to a formal hearing. Mr. Madison seconded the motion. No further discussion; motion carried.

G. Review and Approval of Appointment for EAC Membership:

1. Bryck Guibor, C.H.I. #38101

Mr. Madison moved to approve Mr. Guibor for EAC membership. Mr. Noel seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### *Whether to Grant or Deny Request for Extension of Licensing Time Frames:*

A. Dorame, Julieta Architect Application #101108

Mr. Marley moved to deny the request, stating applicant can reapply. Mr. Foose seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

Mr. Marley moved to cancel the registrations and certifications that have been expired for one full renewal period. Dr. Angel seconded the motion. No further discussion; motion carried.

B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05, 32-122.06, and A.R.S. § 32-123.

*List available for public review upon request.*

No action required at this time.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. EBAS-Ethics and Boundary Assessment Service as a possible disciplinary tool.

The Board discussed the service and whether to use it in disciplinary actions.

B. NCARB's Mutual Recognition Agreement with New Zealand and Australia.

The Board expressed approval of the agreement.

C. Legislative Update. (Verbal)

The Board is discussed the SB1119 and HB2613.

D. Draft Newsletter

The Board reviewed and discussed the draft newsletter.

## **10. DIRECTOR'S REPORT**

### **A. Budget Update**

Ms. Cornelius stated with 75% of the budget year elapsed: the Board has spent 74 of its appropriation and 77% of its revenue.

### **B. Previous Meeting Follow-Up**

Representatives from GL Solutions met with staff on April 4 and 5, 2016, to discuss the scope of the computer project. Representatives will return in early May.

The Board's bills, including Continuation (SB1119), were all pending legislative action until the Legislature passed the budget.

State Procurement contacted Ms. Cornelius to discuss the Board's contract with our lobbyists. The State Procurement Office and the Governor's Office want to ensure that we are receiving good value for our money.

### **C. Director's Meetings**

Ms. Cornelius attended the third meeting of the NCARB Ethics Task Force in Minneapolis from March 31-April 2, 2016. We learned about the Ethics codes at the National Councils that test Psychologists, Medical Doctors and Accountants, and compared the ethics rules in NCARB's code to those in NCEES's and CLARB's codes.

### **D. Statistics Review**

A statistical review of all the professional and occupational professions were provided for the Board to review.

## **11. BOARD CHAIR'S REPORT** – The Chairman declined to give a report this month.

## **12. STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee – Nothing new to report.

B. Home Inspector Rules and Standards Committee – Nothing new to report.

## **13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**



- A. ASBOG – Mr. Weiland attended an ASBOG meeting and contacted the Board requesting information/status on HB2613 to answer questions he received from the meeting attendees.
- B. CLARB – Ms. Cornelius interviewed for the MBE position on the CLARB Board of Directors via SKYPE from Minneapolis on April 1, 2016 and hoped to learn whether she will be the Board's choice to serve.
- C. NCARB – NCARB's annual meeting will be held in Seattle, WA from June 16 – June 18, 2016.
- D. NCEES – The zone meeting will be held in Anchorage, AK from May 19 – May 21, 2016. The annual meeting will be held in Indianapolis, IN from August 24 – August 27, 2016.

**14. FUTURE BOARD MEETINGS – Tuesday, May 24, 2016**

**15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**

- Executive Director Review
- Setting appointment times on hearings
- Addressing meeting attendees from meeting sign in sheet prior to hearings and other matters on the agenda
- Board members that will be leaving in June

**16. MEETING ADJOURNMENT – 2:02PM**